

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Greenbelt Division)**

YVONNE ALSTON,)	
)	
Plaintiff,)	
)	
v.)	Case No. _____
)	
RBS CITIZENS, N.A., a/k/a CITIZENS)	
BANK,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Defendant RBS Citizens, N.A. a/k/a Citizens Banks ("RBSC"), by its undersigned attorney and pursuant to 28 U.S.C. §§1331, 1441, and 1446, files this Notice of Removal from the Circuit Court for Prince George's County, Maryland to the United States District Court for the District of Maryland. This Court has federal question jurisdiction pursuant to 28 U.S.C. §1331. In support of this Notice of Removal, RBSC states as follows:

I. BACKGROUND

1. On or about August 1, 2013, Plaintiff Yvonne Alston, filed a Complaint for violation of 15 U.S.C. § 1681 et seq., more commonly known as the Fair Credit Reporting Act ("FCRA") against RBSC in the Circuit Court of Maryland for Prince George's County (the "State Court Action"). The State Court Action was assigned Case No. CAL 13-22242. Pursuant to 28 U.S.C. §1446(a), copies of all process, pleadings, and orders filed are attached collectively as **Exhibit A**.

2. Defendant RBSC was served with a copy of the Complaint on August 13, 2013.

3. Plaintiff is a citizen of the State of Maryland and resides at 10012 Cedarhollow Lane, Largo Maryland 20774.

4. RBSC is a National Association governed under the laws of the United States with a principal place of business in Providence, Rhode Island.

5. The Complaint alleges that RBSC falsely reported to the credit bureaus that Ms. Alston has a credit card account with a balance of at least \$13,614. Exhibit A, ¶4. The Complaint disputes that the account was opened by her. Exhibit A, ¶5. The Complaint alleges that after Plaintiff advised RBSC that she was contesting the debt, RBSC did not take reasonable steps in its investigation of her dispute in violation of the FCRA. Exhibit A, ¶8.

6. Plaintiff does not seek any specific damages outside of alleging that she is “entitled to recover actual damages, statutory damages, punitive damages, costs and attorneys’ fees . . . in an amount to be determined by the Court and pursuant to 15 U.S.C. §1681(n) and §1681(o).” Exhibit A, ¶16.

II. REMOVAL PROCEDURES

7. 28 U.S.C. §1441 (a) provides, in pertinent part, as follows:

Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending . . .

8. Venue is appropriate in this Court, and Defendant RBSC seeks to remove this case to the United States District Court for the District of Maryland, Southern Division, pursuant to 28 U.S.C. §441(a). The Circuit Court of Prince George’s County, Maryland is located within this District and cases arising in the Circuit Court of Prince George’s County, Maryland are properly assigned to this Court. See 28 U.S.C. §100(2).

9. This removal is filed on behalf of Defendant RBSC.
10. Written notice of the filing of this Notice of Removal will be served upon the *pro se* Plaintiff. There are no other defendants to be served.
11. In accordance with 28 U.S.C. §1446(d), a true and correct copy of this Notice of Removal (without exhibits) is being filed contemporaneously with the Clerk of the Circuit Court for Prince George's County, Maryland and served upon all parties of record. See Notice of Filing of Removal, attached as **Exhibit B**.
12. This Notice of Removal is timely filed within thirty (30) days of service pursuant to 28 U.S.C. §1446. Defendant RBSC received a copy of the Summons and Complaint via certified mail on August 13, 2013.
13. In filing this Notice of Removal, Defendant RBSC does not waive, and specifically reserves, any and all objections as to service, personal jurisdiction, defenses, exceptions, rights, and motions. No statement herein or omission shall be deemed to constitute an admission by Defendant RBSC of any of the allegations of, or damages sought in, the Complaint.

III. REMOVAL BASED ON FEDERAL QUESTION JURISDICTION

14. Pursuant to 28 U.S.C. §1331, "[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." 28 U.S.C. §1331 (2010). This Court has original jurisdiction here pursuant to 28 U.S.C. §1331 because it is apparent on the face of Plaintiff's Complaint that this action arises under and presents questions of federal law under FCRA. Exhibit A, ¶2.
15. Therefore, removal to this Court is proper under 28 U.S.C. §1441(a), which provides, in pertinent part, that "any civil action brought in a State court of which the district

courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending." 28 U.S.C. §1441(a) (2010). A federal question appears on the face of Plaintiff's Complaint because Plaintiff's claim that Defendant violated the FCRA "arises under" federal law. Exhibit A at ¶1.

V. CONCLUSION

WHEREFORE, Defendant RBSC respectfully requests the above-captioned action now pending in the Circuit Court for Prince George's County, Maryland, be removed to the United States District Court for the District of Maryland, and that said United States District Court assume jurisdiction of this action and enter such other and further orders as may be necessary to accomplish the requested removal and promote the ends of justice.

Respectfully submitted,

**ECKERT SEAMANS CHERIN
& MELLOTT, LLC**

By: 

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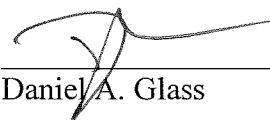
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing **Defendant RBS Citizens, N.A., a/k/a Citizen Bank's Notice of Removal** was mailed, first-class, postage prepaid, this 12 day of September 2013, to:

Yvonne Alston
10012 Cedarhollow Lane
Largo, MD 20774
Pro Se Plaintiff



Daniel A. Glass